

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILEY J. JONES,

Plaintiff,

v.

**PRUITTHEALTH – FRANKLIN,
LLC, PRUITTHEALTH, INC., and
UHS-PRUITT HOLDINGS, INC.,**

Defendants.

CIVIL ACTION FILE

NO. 1:19-CV-1621-MHC

ORDER

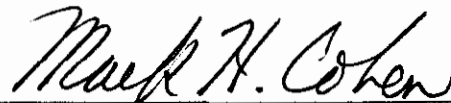
On April 10, 2019, Plaintiff filed a Complaint pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, for violations of wage and overtime provisions and retaliation. Compl. [Doc. 1]. On May 22, 2019, Defendants filed a motion to dismiss Counts I, II, IV, V, and VI of the Complaint. Defs.’ Mot. to Dismiss [Doc. 11]. On June 12, 2019, Plaintiff filed an Amended Complaint against Defendants. Pl.’s First Am. Compl. [Doc. 18] (“Am. Compl.”).

“An amended pleading supersedes the former pleading; the original pleading is abandoned by the amendment, and is no longer a part of the pleader’s averments against his adversary.” Dresdner Bank, A.G. v. M/V Olympia Voyager, 463 F.3d

1210, 1215 (11th Cir. 2006) (internal punctuation and citation omitted). Because Plaintiff has amended his complaint (making the Amended Complaint the operative complaint in this case), Defendants' motion to dismiss Plaintiff's original Complaint is moot.

Therefore, it is hereby **ORDERED** that Defendants' Motion to Dismiss [Doc. 11] is **DENIED AS MOOT**.

IT IS SO ORDERED this 13th day of June, 2019.

A handwritten signature in black ink, reading "Mark H. Cohen", written over a horizontal line.

MARK H. COHEN

United States District Judge